
TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule
LSA Document #10-733

DIGEST

Amends [326 IAC 11-6-1](#) through [326 IAC 11-6-9](#) and adds [326 IAC 11-6-7.1](#) concerning hospital/medical/infectious waste incinerators. Effective 30 days after filing with the Publisher.

HISTORY

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-7](#) and Second Notice of Comment Period: December 15, 2010, Indiana Register (DIN: [20101215-IR-326100733FDA](#)).

Notice of First Hearing: December 15, 2010, Indiana Register (DIN: [20101215-IR-326100733PHA](#)).

Change in Notice of First Hearing: February 9, 2011, Indiana Register (DIN: [20110209-IR-326100733CHA](#)).

Date of First Hearing: May 4, 2011.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

IDEM requested public comment from December 15, 2010, through January 14, 2011, on IDEM's draft rule language. No comments were received during the second comment period.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On May 4, 2011, the Air Pollution Control Board (board) conducted the first public hearing/board meeting concerning the development of amendments to [326 IAC 11-6](#). No comments were made at the first hearing.

[326 IAC 11-6-1](#); [326 IAC 11-6-2](#); [326 IAC 11-6-3](#); [326 IAC 11-6-4](#); [326 IAC 11-6-5](#); [326 IAC 11-6-6](#); [326 IAC 11-6-7](#); [326 IAC 11-6-7.1](#); [326 IAC 11-6-8](#); [326 IAC 11-6-9](#)

SECTION 1. [326 IAC 11-6-1](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-1](#) Applicability

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 1. (a) Except as provided in subsections (b) and (c), this rule applies to each hospital/medical/infectious waste incinerator, **referred to as designated facility**, for which construction was commenced:

- (1) on or before June 20, 1996, hereafter referred to as "designated facility". or for which modification was commenced on or before March 16, 1998; or**
- (2) after June 20, 1996, but no later than December 1, 2008, or for which modification is commenced after March 16, 1998, but no later than April 6, 2010.**

(b) The following are exempt from this rule:

- (1) Any combustor during periods when only pathological waste, low-level radioactive waste, or chemotherapeutic waste, or any combination of these wastes, is burned, regardless of whether the waste meets the definition of hospital waste or medical/infectious waste, provided the owner or operator of the combustor does the following:

(A) Notifies the department and U.S. EPA of an exemption claim.

(B) Maintains records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, or chemotherapeutic waste, or any combination of these wastes, is burned.

- (2) Any cofired combustor if the owner or operator of the cofired combustor does the following:

(A) Notifies the department and U.S. EPA of an exemption claim.

(B) Provides the department and U.S. EPA with an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels or wastes to be combusted.

(C) Maintains records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the cofired combustor.

- (3) Any combustor required to have a permit under Section 3005 of the Solid Waste Disposal Act (42 U.S.C. 6925)*.

- (4) Any combustor that meets the applicability requirements under 40 CFR 60, Subpart Cb*, Ea*, or Eb* (standards or guidelines for certain municipal waste combustors).

- (5) Any pyrolysis unit.
- (6) Cement kilns firing hospital waste or medical/infectious waste, or any combination of these wastes.

(c) Physical or operational changes made to an existing hospital/medical/infectious waste incinerator solely for the purpose of complying with emission limits under this rule:

- (1) are not considered modifications; and
- (2) do not result in an existing hospital/medical/infectious waste incinerator becoming subject to 40 CFR 60, Subpart Ec*.

(d) The provisions in 40 CFR Part 60.24(f)* shall not apply to designated facilities.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 11-6-1](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1964; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3078)

SECTION 2. [326 IAC 11-6-2](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-2](#) Definitions

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 2. (a) Terms used in this rule have the meaning given ~~given~~ **set forth** in the following definition sections:

- (1) 40 CFR 60, Subpart Ce, Section 60.31e*.
- (2) **40 CFR 60**, Subpart Ec, Section 60.51c*, **as revised July 1, 2010**.

(b) If a term is not defined in ~~subdivision (1)~~ **subsection (a)(1)** or ~~subdivision (2)~~, **(a)(2)**, then the term has the meaning ~~defined~~ **set forth** in the CAA and 40 CFR 60, Subpart A* and 40 CFR 60, Subpart B*.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 11-6-2](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1964; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3078)

SECTION 3. [326 IAC 11-6-3](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-3](#) Permits

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 3. Designated facilities shall submit an application for a Part 70 permit, in accordance with [326 IAC 2-7-4](#), to the department no later than ~~the earlier of the following~~:

- (1) ~~One (1) year from the effective date of this rule; or~~
- (2) ~~September 15, March 11, 2000.~~

(Air Pollution Control Board; [326 IAC 11-6-3](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)

SECTION 4. [326 IAC 11-6-4](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-4](#) Emission limits

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 4. (a) The designated facility shall not exceed the emission limits specified in the following:

(1) 40 CFR 60, Subpart Ce, ~~Section 60.33c(a)*~~. **Table 1A*, as revised July 1, 2010.**

(2) 40 CFR 60, Subpart Ec, ~~Section 60.52c(b)*~~. **60.52c(b)(1)*, as revised July 1, 2010.**

~~(b) The emission limit for cadmium for large sources is sixteen hundredths (0.16) milligram per dry standard cubic meter (seven hundredths (0.07) grain per thousand (1,000) dry standard cubic feet) or sixty five percent (65%) reduction.~~

(b) The designated facility shall not exceed the emission limits, according to the compliance schedule in section 9 of this rule, specified in the following:

(1) 40 CFR 60, Subpart Ce, Table 1B*, as revised July 1, 2010.

(2) 40 CFR 60, Subpart Ec, Section 60.52c(b)(2)*, as revised July 1, 2010.

(c) A designated facility, as defined in section 1(a)(2) of this rule, shall comply with the emission limits in 40 CFR 60, Subpart Ec, Table 1A*, as revised July 1, 2010, and subsection (b), whichever is more stringent.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, Washington, D.C. 20401 and are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 11-6-4](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3079)

SECTION 5. [326 IAC 11-6-5](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-5](#) Operator training and qualification requirements

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 5. (a) The owner or operator of a designated facility shall comply with the operator training requirements specified in 40 CFR 60, Subpart Ec, Section 60.53c*.

~~(b) Compliance with operator training and qualification requirements shall be achieved within one (1) year after the effective date of this rule.~~ **by March 11, 2000.**

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 11-6-5](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3079)

SECTION 6. [326 IAC 11-6-6](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-6](#) Waste management plans

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 6. (a) The owner or operator of a designated facility shall prepare a waste management plan as specified in 40 CFR 60, Subpart Ec, Section 60.55c*, **as revised July 1, 2010**.

(b) The waste management plan shall be submitted to the department by the date specified in 40 CFR 60, Subpart Ec, Section 60.58c(c)*.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 11-6-6](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3079)

SECTION 7. [326 IAC 11-6-7](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-7](#) Compliance, performance testing, and monitoring

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 7. (a) Performance tests shall be conducted and compliance shall be determined in accordance with the test methods and procedures found in 40 CFR 60, Subpart Ec, Section 60.56c*, **as revised July 1, 2010**, excluding the **following**:

(1) **Annual** fugitive emissions testing requirements under Section ~~60.56c(b)(12)*~~ and 60.56c(c)(3)*, **as revised July 1, 2010**.

(2) **Carbon monoxide continuous emissions monitoring (CO CEMS)** requirements under Section 60.56c(c)(4)*, **as revised July 1, 2010**.

(3) **Compliance monitoring requirements for monitoring listed in the following:**

(A) Section 60.56c(c)(5)(ii) through 60.56c(c)(5)(v)*, **as revised July 1, 2010**.

(B) Section 60.56c(c)(6)*, **as revised July 1, 2010**.

(C) Section 60.56c(c)(7)*, **as revised July 1, 2010**.

(D) Section 60.56c(e)(6) though 60.56c(e)(10)*, **as revised July 1, 2010**.

(E) Section 60.56c(f)(7) through 60.56c(f)(10)*, **as revised July 1, 2010**.

(F) Section 60.56c(g)(6) through 60.56c(g)(10)*, **as revised July 1, 2010**.

Sources subject to the emission limits in section 4(b) of this rule may elect to use CO CEMS as specified under Section 60.56c(c)(4)*, **as revised July 1, 2010**, or bag leak detection systems as specified in Section 60.56c(h)*, **as revised July 1, 2010**.

(b) The performance testing shall also meet the requirements of [326 IAC 3-6](#), source sampling procedures, including the submittal of a test protocol ~~no~~ **not** later than thirty-five (35) days prior to the intended test date. The test methods in 40 CFR 60, Subpart Ec, Section 60.56c*, **as revised July 1, 2010**, shall not be modified unless approved by the **U.S.** EPA administrator.

(c) The owner or operator of a designated facility shall comply with the monitoring requirements specified in 40 CFR 60, Subpart Ec, Section 60.57c*, **as revised July 1, 2010**.

(d) **The owner or operator of a designated facility may use the results of previous emissions tests to demonstrate compliance with the emission limits in section 4(b) or 4(c) of this rule, provided that the owner or operator follows the conditions in 40 CFR 60, Subpart Ce, Section 60.37e(f)*, as revised July 1, 2010.**

*These documents are incorporated by reference. Copies may be obtained from the Government Printing

Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 11-6-7](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3080)

SECTION 8. [326 IAC 11-6-7.1](#) IS ADDED TO READ AS FOLLOWS:

[326 IAC 11-6-7.1](#) Inspection requirements

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 7.1. (a) The owner or operator of a designated facility shall undergo the following:

- (1) An initial equipment inspection that meets the requirements specified in 40 CFR 60, Subpart Ce, Section 60.36e(a)*, within one (1) year after the effective date of the 2011 amendments to this rule.**
- (2) An equipment inspection annually thereafter, but not more than twelve (12) months following the previous annual equipment inspection, as outlined in subdivision (1).**

(b) The owner or operator of a designated facility shall undergo the following:

- (1) An initial air pollution control device inspection that meets the requirements specified in 40 CFR 60, Subpart Ce, Section 60.36e(c)*, as revised July 1, 2010, within one (1) year after the effective date of the 2011 amendments to this rule.**
- (2) An equipment inspection annually thereafter, but not more than twelve (12) months following the previous annual equipment inspection, as outlined in subdivision (1).**

***These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.**

(Air Pollution Control Board; [326 IAC 11-6-7.1](#))

SECTION 9. [326 IAC 11-6-8](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-8](#) Reporting and record keeping requirements

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 8. (a) The owner or operator of a designated facility shall comply with the following reporting and record keeping requirements in 40 CFR 60, Subpart Ec, Section 60.58c(b) through 60.58c(g)*, as revised July 1, 2010, excluding the following:

- (1) 40 CFR 60, Subpart Ec, Section 60.58c(b)*, excluding 40 CFR 60, Subpart Ec, 60.58c(b)(2)(ii) (fugitive emissions)*, and 60.58c(b)(2)(xviii) (bag leak detection system alarms)*, as revised July 1, 2010.**
- (2) 40 CFR 60, Subpart Ec, Section 60.58c(b)(2)(xix) (CO CEMS data)*, as revised July 1, 2010.**
- (3) 40 CFR 60, Subpart Ec, 60.58c(b)(7) (siting)*.**
- (2) 40 CFR 60, Subpart Ec, Section 60.58c(e)*.**
- (3) 40 CFR 60, Subpart Ec, Section 60.58c(d)*.**
- (4) 40 CFR 60, Subpart Ec, Section 60.58c(e)*.**
- (5) 40 CFR 60, Subpart Ec, Section 60.58c(f)*.**

(b) The owner or operator of a designated facility shall comply with information requests made by the department in order to develop the emissions inventory to be included in the state plan required by 40 CFR 60, Subpart B, Section 60.25(a)*. The owner or operator shall submit the information to the department within sixty (60) days of receipt of request. maintain records of the annual equipment inspections that are required

under section 7.1 of this rule, any required maintenance, and any repairs not completed within ten (10) days of an inspection.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 11-6-8](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1966; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3080)

SECTION 10. [326 IAC 11-6-9](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-9](#) Compliance schedule

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 9. (a) Except as provided in subsections (b) and (d), each designated facility shall be in compliance with: ~~all provisions of this rule no later than the earlier of the following:~~

(1) ~~one (1) year from the effective date of this rule; or~~ **the emission limits in section 4(a) of this rule by March 31, 2002; and**

(2) ~~September 15, 2000; the emission limits in section 4(b) or 4(c) of this rule within one (1) year after the effective date of the 2011 amendments to this rule;~~

regardless of whether the designated facility is identified in the state plan inventory required by 40 CFR 60, Subpart B, Section 60.25(a)*.

(b) The owner or operator of a designated facility planning to install the necessary air pollution control equipment **to meet the emission limits in section 4(b) or 4(c) of this rule** shall be in compliance with ~~all provisions of this rule~~ **the emission limits in section 4(b) or 4(c) of this rule** no later than ~~March 31, 2002,~~ **October 6, 2014**, provided that the designated facility complies with the measurable and enforceable incremental steps of progress in this subsection. The owner or operator of the designated facility shall do the following:

(1) Submit a final control plan to the department no later than ~~June 30, 1999.~~ **October 6, 2012.**

(2) Award contracts for emission control systems or for process modifications, or issuance of orders for the purchase of component parts to accomplish emission control or process modifications no later than ~~March 31, 2000.~~ **May 6, 2013.**

(3) Initiate on-site construction or installation of emission control equipment or process change no later than ~~March 31, 2001.~~ **January 6, 2014.**

(4) Complete on-site construction or installation of emission control equipment or process change no later than ~~September 30, 2001.~~ **August 6, 2014.**

(5) Be in final compliance no later than ~~March 31, 2002.~~ **October 6, 2014.**

(c) The owner or operator shall notify the department within thirty (30) days of the applicable date in subsection (b) if an incremental step of progress is not completed by that date. Notifying the department under this subsection does not preclude an enforcement action for failure to meet the compliance dates in subsection (b).

(d) The owner or operator of a designated facility may petition the department to establish an alternative compliance schedule for closure of the incinerator for installation of an on-site alternative waste treatment technology. The compliance schedule shall allow final compliance no later than ~~March 31, 2002.~~ **October 6, 2014.** The designated facility requesting an extension shall submit the following information to the department within eight (8) months from the effective date of **the 2011 amendments to this rule:**

(1) Documentation of the analyses undertaken to support the need for an extension, including an explanation of why additional time is necessary. The documentation shall include an evaluation of the option to transport the waste off-site to a commercial medical waste treatment and disposal facility on a temporary or permanent basis.

(2) A detailed compliance plan including documentation of measurable and enforceable incremental steps of progress to be taken towards compliance with this rule.

(e) The department shall grant or deny the petition for extension stating reasons for granting or denying in a written response to the facility within one hundred twenty (120) days of receipt of a complete petition containing the information required in subsection (d).

(f) An owner or operator of a designated facility ~~that follows the compliance schedule under subsection (b) or receives an extension under subsection (d)~~ shall be in compliance with the operator training and qualification requirements of section 5(a) of this rule ~~within one (1) year after the effective date of this rule.~~ **by March 11, 2000.**

*Copies of the Code of Federal Regulations (CFR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 11-6-9](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1966; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)

[Notice of Public Hearing](#)

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